

Planning Board Minutes 04/19/2016

[Printer-Friendly Version](#)

MONSON PLANNING BOARD MINUTES APRIL 19, 2016

MEMBERS PRESENT: Craig Sweitzer, Paul Hatch, Tara Hengeveld, Karen King and Marilyn Gorman Fil.

MEMBERS ABSENT: Kevin Haley.

ALSO PRESENT: Dan Laroche, Town Planner.

7:00 The Board received notification that Lots 4 through 7 located on Bogan Road owned by the Estate of Stella Francis Furgal are to be removed from Chapter 61A.

Paul Hatch moved to recommend to the Board of Selectmen that the Town of Monson waive its right of first refusal.

Craig Sweitzer seconded the motion.

It was so voted.

Voting aye: Craig Sweitzer, Paul Hatch, Tara Hengeveld and Marilyn Gorman Fil.

Karen King abstained.

Tara Hengeveld moved to approve the minutes of March 15, 2016 with the correction of a typographical error.

Karen King seconded the motion.

It was so voted.

Voting aye: Craig Sweitzer, Tara Hengeveld, Karen King and Marilyn Gorman Fil.

Paul Hatch abstained.

Dan Laroche stated the Planning Board has articles on the upcoming Special Town Meeting relating to home occupations and housekeeping facilities.

Craig Sweitzer questioned if any changes to the bylaws relating to private garages/commercial garages was being researched?

Dan Laroche stated a request for a change would be coming from a private land owner.

Dan Laroche stated because of the changes the State has made to its Kennel licensing a small change to the Zoning Bylaws would clarify things for the Town Clerk when issuing kennel licenses. That change would be brought forward to the Board for a public hearing to bring the Zoning Bylaws in line with State Regulations.

Dan Laroche updated the Board on progress or lack of it regarding the former Monson Developmental Center on State Avenue. The change of administration in Boston slowed things down but now it looks as if a Request for Proposal (RFP) will be issued in the fall.

Paul Hatch stated the Reuse Committee hopes that DCAM will clean up the cottage and colony buildings and the summer camp area. There is a dump area that the State has admitted must be cleaned up, they seem interested in the potential on the industrial side of the site.

7:15 Craig Sweitzer convened a Public Hearing to review a request to amend the Monson Zoning Bylaws Section 6.23 Large Scale Ground-Mounted Photovoltaic Installations, Subsection 6.23.3 Location by deleting Subsection 6.23.3 in its entirety and replacing it with language that changes ownership and acreage requirements. The Public Hearing was advertised in the Journal March 31, 2016 and April 7, 2016.

Dan Laroche stated a representative of the petitioner who requested the change is present at the meeting.

Atty. George P. Kiritsy stated he represented the petitioners Raymond & Catherine Beaudoin owners of property located at 53 Wilbraham Road who were petitioning the Board for the changes to the Bylaw. Atty. Kiritsy introduced Brendan Gove, President and CEO of Zero Point Development, Inc.

Brendan Gove stated the Monson Zoning Bylaw requires a minimum of fifty (50) acres for a Large Scale Ground- Mounted Photovoltaic Installation while that may have been reasonable when the Bylaw was written given the technology and environment of the industry at that time rapid changes in the technology and equipment has allowed developers to achieve the desired capacity while reducing the footprint by fifty (50) percent. Additionally the Department of Public Utilities Net Metering Regulations were revised January 1, 2015 those revisions make it financially impractical to build large solar farms. The proposal for minimum lot size requirements based on the nameplate capacity of an installation makes more sense.

Array Size (KW, DC)	Minimum Lot Size Required
250-650 KW, DC	5 Acres
Over 650 to 1,500 KW, DC	10 Acres
Over 1,500 to 3,000 KW, DC	20 Acres
Over 3000 KW, DC	50 Acres

Atty. Kiritsy stated the projects are smaller now and the proposed minimum lot sizes reflect the change in the industry.

Dan Laroche stated the Town has not enjoyed the best experience when it comes to solar projects, and there are problems still with the first installation permitted in Town.

Craig Sweitzer stated he was not sure that reducing the lot size this much in a residential area was a good thing.

Dan Laroche stated he looked at the footprint of a project that the Planning Board issued Site Plan Approval for on East Hill Road and used those numbers to factor what the proponent has asked for and how to lessen impacts. Based on the East Hill Road project the 2.6 megawatts consumed 11 acres which translates to 4.2 acres of land per 1 megawatt of solar panels. He stated he would propose a change to the acreage proposed by the proponent to allow only up to 50% coverage of solar panels for a 1-1 ratio of photovoltaics to open space.

Array Size (KW, DC)	Minimum Lot Size Required
250-650 KW, DC	6 Acres
Over 650 to 1,500 KW, DC	13 Acres
Over 1,500 to 3,000 KW, DC	25 Acres
Over 3000 KW, DC	50 Acres

Secondly he would recommend the Planning Board not delete language in the bylaw that requires the parcel of land on which the project is to be located be in a single ownership.

Paul Hatch questioned what counted as open space, for instance did the driveway and roadway around the project count as open space?

Dan Laroche stated he looked at the area covered by panels the rest was open space.

Craig Sweitzer stated the present bylaw allows a roadway in the buffer.

Dan Laroche stated maybe what is counted as open space and what is allowed in the buffer is a discussion for a future date.

Paul Hatch stated he was more concerned with what is defined as open space on the smaller parcels of land, if wetlands are on the property they are preserved but they are not a buffer.

Craig Sweitzer questioned if the members were comfortable with the recommendations from Dan Laroche?

Dan Laroche stated the bylaw requirement of a 75 foot buffer remains no matter what size photovoltaic installation is proposed.

Atty. Kiritsy stated when they came up with the proposal it was not the intent to scrap the entire bylaw just to scale the minimum acreage to the size of the installation. He stated they had no objection to the recommendations of the Town Planner to revise the acreage to allow only up to 50% lot coverage of solar panels, or to keeping the language in the bylaw that requires the parcel of land to be in a single ownership.

Craig Sweitzer stated the current bylaw does not mention open space.

Dan Laroche stated he used open space as a rationale for the size requirements.

Briony Angus questioned if it was one ownership of the land or one ownership of the solar?

Dan Laroche stated one ownership on the underlying land.

Craig Sweitzer his concern was protection of abutters.

Dan Laroche stated no changes are proposed to the setbacks.

Atty. Kiritsy reiterated when the bylaw was put into place the industry was geared toward large projects, that was also the reason the present bylaw requires transmission lines on or abutting the property. The industry has changed and is now geared toward smaller projects that do not necessarily need massive transmission lines on the property.

Craig Sweitzer questioned if the three phase lines could handle the smaller projects?

Brendan Gove stated some lines are too small but theoretically 3 phase lines can handle the smaller projects.

Paul Hatch stated the project would have to be permitted with National Grid and they would be the one to say what infrastructure was necessary.

Craig Sweitzer stated he was in favor of green energy but the abutters to the installation must be protected. He stated he was in favor of keeping the language in the bylaw "parcels of land under single ownership", from the Boards experience when there are problems with a project, having to deal with more than one owner is very difficult. The current bylaw does require a 75 foot setback from all lot lines, but again previous experience has shown that a buffer strip does not do what it should.

Atty. Kiritsy stated the Board does have the Site Plan review process.

Paul Hatch stated he was concerned with the vote at Town Meeting, it must pass with a 2/3 majority vote.

Craig Sweitzer stated ultimately it is the residents of Monson who will decide at Town Meeting.

Brendan Gove stated if the core issue is not minimum acreage but visibility of the solar array, honeysuckle vines could be planted on the fence.

John Matthews Chairman Hampden Planning Board, stated the Hampden Planning Board received notice of the public hearing as an abutting Town and he was interested because there are two solar projects in Hampden one large one smaller that have been the subject of complaints from the abutters.

Craig Sweitzer questioned how small?

John Matthews stated approximately 2-3 acres with some wetlands. The Planning Board stipulated and mandated screening with arborvitae to be planted and maintained at a certain height and limited the height of the panels. He stated he came to the meeting because Hampden is wrestling with the issue of scale. He questioned if the one to one ratio calculation includes the setbacks?

Dan Laroche stated yes.

John Matthews stated Towns are faced with the problem of conflicting land uses and how to manage.

John Beaudoin 48 Wilbraham Road, questioned the history of a Town Meeting vote on the change to the Bylaws when the Planning Board recommended its approval?

Craig Sweitzer stated there is no correlation, the Board would like to say otherwise but that is not the case. The Large-Scale Ground-Mounted Photovoltaic Installation Bylaw was approved easily because it was tailored to large projects with a 50 acre minimum lot requirement, with transmissions lines through or abutting the property and there are not many parcels that meet those requirements.

John Matthews stated Towns constantly have to review and change their bylaws and then stand up at a Town Meeting and explain the reasons for the changes to the residents.

Briony Angus commented that the setbacks and visual requirements should be site specific, because at the moment it is the same for large or small projects.

Brian Huntley stated a 75 foot buffer is on the larger side, smaller projects with smaller area requirements should require a smaller buffer. In Massachusetts you cannot unduly regulate renewable energy.

Dan Laroche stated that is why the Town is revising its bylaw because 50 acres could be construed as unduly regulating.

Charles Cournoyer stated a 2/3 vote is difficult to get at Town Meeting because people say not in my backyard.

8:10 Paul Hatch moved to close the public hearing.

Tara Hengeveld seconded the motion.

It was so voted unanimous.

Paul Hatch moved to make a recommendation to the Board of Selectmen to place an article on the warrant for the Special Town Meeting to change the language of Subsection 6.23.3 Location Section 6.23 Large Scale Ground Mounted Photovoltaic Installations and to recommend that the changes proposed by the Town Planner be accepted.

Craig Sweitzer seconded the motion.

Craig Sweitzer stated the recommendations along with the rationale submitted by the Town Planner to increase the acreage submitted by Atty. George Kiritsy to allow only 50% lot coverage of solar panels making it a ratio of at least 1:1 of open space and land consumed by photovoltaics is supported by the Planning Board. Additionally the recommendation from the Town Planner to keep the existing language of the bylaw that requires the parcel of land that the project sits on to be in a single ownership is supported by the Planning Board.

It was so voted, unanimous.

8:15 Paul Hatch moved to adjourn.

Tara Hengeveld seconded the motion.

It was so voted, unanimous.

Respectfully submitted,

Linda A. Hull